

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Inventor(s): Volodymyr LYSENKO et al.

Group Art Unit: 2812

Application No.: 10/566,041

Examiner: Unknown

Filing Date or 371(c) Date: October 13,
2006

Confirmation No.: 9342

Title: Hydrogen Reservoir Based on
Silicon Nano-Structures

**THIRD REQUEST FOR CORRECTED
NOTIFICATION OF ACCEPTANCE
OF APPLICATION UNDER 35 U.S.C. 371 AND 37 C.F.R. 1.495**

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

The U.S. Patent and Trademark Office issued a Notification of Acceptance of Application under 35 U.S.C. 371 and 37 C.F.R. 1.495, on December 8, 2006, a copy of which is attached as Exhibit A. The Notification incorrectly identifies the date of submission of the U.S. Basic National Fees. The correct date of submission of the U.S. Basic National Fees is January 26, 2006. Attached as Exhibit B is a copy of a return receipt postcard for the above application, which is stamped by the U.S. Patent and Trademark Office and which indicates receipt of the U.S. Basic National Fees on January 26, 2006. Also, attached as Exhibit C is a copy of an application transmittal letter for the application, dated January 26, 2006, directing that the U.S. Basic National Fees be charged to Deposit Account No. 50-3218. These two documents show that the U.S. Basic National Fees were submitted on January 26, 2006.

Based on the foregoing, Applicants respectfully request that the attached marked-up copy of the Notification of Acceptance dated December 8, 2006, be reviewed and corrected to accurately identify the date of submission of the National fees in the application.

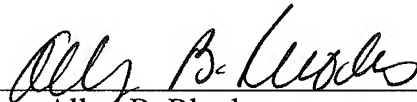
Applicants note that this is not a petition under 37 C.F.R. 1.181 requesting that the correct date of filing under 371(c) be changed to January 26, 2006. Rather, Applicants merely request that the Notification of Acceptance be corrected to accurately identify the date of submission of the National fees in the application.

The Director is hereby authorized to charge any appropriate fees that may be required by this paper, and to credit any overpayment, to Deposit Account No. 23-1925.

Respectfully submitted,

BRINKS, HOFER, GILSON, & LIONE

Date: January 21, 2009

By: 
Allyn B. Rhodes
Registration No. 56,745

2801 Slater Road, Suite 120
Morrisville, NC 27560-8477
Phone: 919.481.1111



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

U.S. APPLICATION NUMBER NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
10/566,041	Volodymyr Lysenko	BRV.10045

45473
HUTCHISON LAW GROUP PLLC
PO BOX 31686
RALEIGH, NC 27612

RECEIVED

DEC 12 2006

Hutchison Law Group

INTERNATIONAL APPLICATION NO.

PCT/FR04/50358

I.A. FILING DATE	PRIORITY DATE
------------------	---------------

07/27/2004

07/28/2003

CONFIRMATION NO. 9342

371 ACCEPTANCE LETTER



OC000000021470084

Date Mailed: 12/08/2006

NOTICE OF ACCEPTANCE OF APPLICATION UNDER 35 U.S.C 371 AND 37 CFR 1.495

The applicant is hereby advised that the United States Patent and Trademark Office in its capacity as a Designated / Elected Office (37 CFR 1.495), has determined that the above identified international application has met the requirements of 35 U.S.C. 371, and is ACCEPTED for national patentability examination in the United States Patent and Trademark Office.

The United States Application Number assigned to the application is shown above and the relevant dates are:

<u>10/13/2006</u>	<u>10/13/2006</u>
DATE OF RECEIPT OF 35 U.S.C. 371(c)(1), (c)(2) and (c)(4) REQUIREMENTS	DATE OF COMPLETION OF ALL 35 U.S.C. 371 REQUIREMENTS

A Filing Receipt (PTO-103X) will be issued for the present application in due course. **THE DATE APPEARING ON THE FILING RECEIPT AS THE " FILING DATE" IS THE DATE ON WHICH THE LAST OF THE 35 U.S.C. 371 (c)(1), (c)(2) and (c)(4) REQUIREMENTS HAS BEEN RECEIVED IN THE OFFICE. THIS DATE IS SHOWN ABOVE.** The filing date of the above identified application is the international filing date of the international application (Article 11(3) and 35 U.S.C. 363). Once the Filing Receipt has been received, send all correspondence to the Group Art Unit designated thereon.

The following items have been received:

- Copy of the International Application filed on 01/26/2006
- English Translation of the IA filed on 01/26/2006
- Copy of the International Search Report filed on 01/26/2006
- Preliminary Amendments filed on 01/26/2006
- Information Disclosure Statements filed on 08/11/2006
- Oath or Declaration filed on 10/13/2006
- U.S. Basic National Fees filed on 10/13/2006

Basic fees were paid January 26, 2006

*Please see additional 12/12/06 den
Exhibits B and C attached

Exhibit A

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

FRANCINE YOUNG

Telephone: (703) 308-9140 EXT 215

PART 1 - ATTORNEY/APPLICANT COPY

FORM PCT/DO/EO/903 (371 Acceptance Notice)

National Stage Application in the U.S. under 35 U.S.C. 371

Applicant: Volodymyr LYSENKO and Christophe TURPIN.

Application No.: Unassigned

International Application No.: PCT/FR2004/050358

International Filing Date: July 27, 2004

Title: Hydrogen Reservoir Based on Silicon Nano-Structures

Serial No.: BRV.10045

10/566041

Receipt is hereby acknowledged for the following papers filed in the U.S. Patent and Trademark Office on January 26, 2006

- | | | |
|--|---|---|
| <input checked="" type="checkbox"/> Transmittal Letter to U.S. Designated/Elected Office Concerning Filing Under 35 USC 371 (PTO-1390) | <input type="checkbox"/> Assignment/Assignment Recordation Form Cover Sheet (PTO-1595) | <input checked="" type="checkbox"/> Charge <u>\$900.00</u> to Deposit Account |
| <input type="checkbox"/> Executed Declaration/Power of Attorney | <input type="checkbox"/> Computer Readable form of Sequence Listing | <input checked="" type="checkbox"/> Copy of Written Opinion |
| <input checked="" type="checkbox"/> Unexecuted Declaration/Power of Attorney | <input type="checkbox"/> Information Disclosure Citation (PTO/SB/108) | <input type="checkbox"/> |
| <input type="checkbox"/> Copy of PCT/IB/301 | <input type="checkbox"/> Information Disclosure Statement w/ _____ document(s) | <input type="checkbox"/> |
| <input checked="" type="checkbox"/> Copy of PCT/IB/304 | <input checked="" type="checkbox"/> Preliminary Amendment | <input type="checkbox"/> |
| <input type="checkbox"/> Copy of PCT/IB/308 | <input checked="" type="checkbox"/> Copy of International Search Report | <input type="checkbox"/> |
| <input checked="" type="checkbox"/> Copy of PCT Pub. No. WO2005/012163 | <input type="checkbox"/> Copy of International Preliminary Examination Report | <input type="checkbox"/> |
| <input checked="" type="checkbox"/> English Translation of International Application No. <u>2005/012163</u> | <input type="checkbox"/> International Preliminary Examination Report including Annexes | <input type="checkbox"/> |
| <input checked="" type="checkbox"/> Copy of PCT/IB/311 | <input type="checkbox"/> Translation of Annexes to IPER | <input type="checkbox"/> |
| | <input checked="" type="checkbox"/> Copies of PCT/IB/306 | <input type="checkbox"/> |

Documents submitted via Express Mail Label No.: EV 613 034 401 US

1/23 Rec'd PCT/PTO 26 JAN 2006

Exhibit B

TRANSMITTAL LETTER TO THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US) CONCERNING A SUBMISSION UNDER 35 U.S.C. 371		ATTORNEY'S DOCKET NUMBER BRV.10045
INTERNATIONAL APPLICATION NO. PCT/FR2004/050358	INTERNATIONAL FILING DATE July 27, 2004	U.S. APPLICATION NO. (If known, see 37 CFR 1.5) Unassigned
TITLE OF INVENTION HYDROGEN RESERVOIR BASED ON SILICON NANO-STRUCTURES		
APPLICANT(S) FOR DO/EO/US LYSENKO, Volodymyr and TURPIN, Christophe, Jean-Paul, Philippe		
Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:		
1. <input checked="" type="checkbox"/> This is a FIRST submission of items concerning a submission under 35 U.S.C. 371.		
2. <input type="checkbox"/> This is a SECOND or SUBSEQUENT submission of items concerning a submission under 35 U.S.C. 371.		
3. <input type="checkbox"/> This is an express request to begin national examination procedures (35 U.S.C. 371(f)). The submission must include items (5), (6), (9) and (21) indicated below.		
4. <input checked="" type="checkbox"/> The US has been elected (Article 31).		
5. <input checked="" type="checkbox"/> A copy of the International Application as filed (35 U.S.C. 371(c)(2))		
a. <input checked="" type="checkbox"/> is attached hereto (required only if not communicated by the International Bureau).		
b. <input type="checkbox"/> has been communicated by the International Bureau.		
c. <input type="checkbox"/> is not required, as the application was filed in the United States Receiving Office (RO/US).		
6. <input checked="" type="checkbox"/> An English language translation of the International Application as filed (35 U.S.C. 371(c)(2)).		
a. <input checked="" type="checkbox"/> is attached hereto.		
b. <input type="checkbox"/> has been previously submitted under 35 U.S.C. 154(d)(4).		
7. <input type="checkbox"/> Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371(c)(3))		
a. <input type="checkbox"/> are attached hereto (required only if not communicated by the International Bureau).		
b. <input type="checkbox"/> have been communicated by the International Bureau.		
c. <input type="checkbox"/> have not been made; however, the time limit for making such amendments has NOT expired.		
d. <input type="checkbox"/> have not been made and will not be made.		
8. <input type="checkbox"/> An English language translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)).		
9. <input type="checkbox"/> An oath or declaration of the inventor(s) (35 U.S.C. 371(c)(4)).		
10. <input type="checkbox"/> An English language translation of the annexes of the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371(c)(5)).		
Items 11 to 20 below concern document(s) or information included:		
11. <input type="checkbox"/> An Information Disclosure Statement under 37 CFR 1.97 and 1.98.		
12. <input type="checkbox"/> An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.		
13. <input checked="" type="checkbox"/> A preliminary amendment.		
14. <input type="checkbox"/> An Application Data Sheet under 37 CFR 1.76.		
15. <input type="checkbox"/> A substitute specification.		
16. <input type="checkbox"/> A power of attorney and/or change of address letter.		
17. <input type="checkbox"/> A computer-readable form of the sequence listing in accordance with PCT Rule 13ter.2 and 37 CFR 1.821- 1.825.		
18. <input type="checkbox"/> A second copy of the published International Application under 35 U.S.C. 154(d)(4).		
19. <input type="checkbox"/> A second copy of the English language translation of the international application under 35 U.S.C. 154(d)(4).		

DOCKETED

1/26/06 dm

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

U.S. APPLICATION NO. (if known, see 37 CFR 1.5) Unassigned		INTERNATIONAL APPLICATION NO. PCT/FR2004/050358		ATTORNEY'S DOCKET NUMBER BRV.10045	
20. Other items or information: Unexecuted Declaration; International Search Report and Written Opinion; PCT/IB/304; PCT/IB/306; and PCT/IB/311; copy of International Publication No. 2005/012163					
The following fees have been submitted				CALCULATIONS	PTO USE ONLY
21. <input checked="" type="checkbox"/> Basic national fee (37 CFR 1.492(a))..... \$300				\$ 300.00	
22. <input checked="" type="checkbox"/> Examination fee (37 CFR 1.492(c))					
If the written opinion prepared by ISA/US or the international preliminary examination report prepared by IPEA/US indicates all claims satisfy provisions of PCT Article 33(1)-(4)..... \$0				\$ 200.00	
All other situations.....\$200					
23. <input checked="" type="checkbox"/> Search fee (37 CFR 1.492(b))					
If the written opinion of the ISA/US or the International preliminary examination report prepared by IPEA/US indicates all claims satisfy provisions of PCT Article 33(1)-(4)..... \$0					
Search fee (37 CFR 1.445(a)(2)) has been paid on the international application to the USPTO as an International Searching Authority.....\$100				\$ 400.00	
International Search Report prepared by an ISA other than the US and provided to the Office or previously communicated to the US by the IB..... \$400					
All other situations.....\$500					
TOTAL OF 21, 22 and 23 =				900.00	
<input type="checkbox"/> Additional fee for specification and drawings filed in paper over 100 sheets (excluding sequence listing in compliance with 37 CFR 1.821(c) or (e) or computer program listing in an electronic medium) (37 CFR 1.492(j)). The fee is \$250 for each additional 50 sheets of paper or fraction thereof.					
Total Sheets	Extra Sheets	Number of each additional 50 or fraction thereof (round up to a whole number)	RATE		
- 100 =	/50 =		x \$250	\$	
Surcharge of \$130.00 for furnishing any of the search fee, examination fee, or the oath or declaration after the date of commencement of the national stage (37 CFR 1.492(h)).				\$	
CLAIMS	NUMBER FILED	NUMBER EXTRA	RATE	\$	
Total claims	15 - 20 =		x \$ 50	\$	
Independent claims	2 - 3 =		x \$200	\$	
MULTIPLE DEPENDENT CLAIM(S) (if applicable)			+ \$360	\$	
TOTAL OF ABOVE CALCULATIONS =				\$ 900.00	
<input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27. Fees above are reduced by 1/2.					
SUBTOTAL =				\$ 900.00	
Processing fee of \$130.00 for furnishing the English translation later than 30 months from the earliest claimed priority date (37 CFR 1.492(i)).				\$	
TOTAL NATIONAL FEE =				\$ 900.00	
Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). \$40.00 per property				\$	
TOTAL FEES ENCLOSED =				\$ 900.00	
				Amount to be refunded:	\$
				Amount to be charged	\$

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

- a. ☐ A check in the amount of \$ _____ to cover the above fees is enclosed.
- b. ☒ Please charge my Deposit Account No. 50-3218 in the amount of \$ 900.00 to cover the above fees.
A duplicate copy of this sheet is enclosed.
- c. ☒ The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. 50-3218. A duplicate copy of this sheet is enclosed.
- d. ☐ Fees are to be charged to a credit card. **WARNING:** Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

NOTE: Where an appropriate time limit under 37 CFR 1.495 has not been met, a petition to revive (37 CFR 1.137(a) or (b)) must be filed and granted to restore the International Application to pending status.

SEND ALL CORRESPONDENCE TO:

Hutchison & Mason PLLC
P.O. Box 31686
Raleigh, North Carolina 27612
(919) 829-9600

Mary B. Grant
SIGNATURE

Mary B. Grant
NAME

January 26, 2006

32,176

REGISTRATION NUMBER

I hereby certify that the application/correspondence attached hereto is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR § 1.10 on the date indicated above and is addressed to the Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Express Mail Label No. EV61304401US

Date of Deposit: 1/26/2006

Cynthia Wilder
Cynthia Wilder